IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 366 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CHEME RAND INDIA

Versus

CHEMICAL AGENCY

Appearance:

1. Civil Revision Application No. 366 of 2001

MR ASHOK K PADIA for Petitioner No. 1-2

MR GN SHAH for Respondent No. 1

RULE NOT RECD BACK for Respondent No. 1

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 21/11/2002

ORAL JUDGEMENT

#. The petitioners are the original defendants against

whom the respondent has filed the suit, being Summary Suit No.1834 of 1998 in the City Civil Court, Ahmedabad. The said suit is filed for recovering of Rs.1,79,600/-. In the aforesaid suit, the Chamber Judge, by his order dated 27.7.2000, granted conditional leave to defendants by asking them to deposit Rs.80000/- within eight weeks from the date of the order.

#. Considering the facts and circumstances of the case, order of the trial Court is not required to be interfered by this Court in a revision under Section 115 of the Civi Procedure Code, especially, when the same is filed at interlocutory stage. The trial Court has also found that, number of cheques have been dishonoured. It is, no doubt, true that defendants have taken the point of limitation and interest. However, all these points regarding limitation etc. can always be considered by the Court at the time of deciding the suit, as, the evidence is required to be led by the parties on that points. Simply on that ground, this Court cannot give permission to defendants to contest the suit unconditionally. Even otherwise, order in question is not required to be interfered with in this revision application. Hence, this revision application is without any substance and the same is rejected. Rule is discharged with no order as to costs. Ad-interim relief granted earlier stands vacated. However, petitioners defendants are granted time of two months from today for depositing the amount in question. Such amount to be deposited in the trial Court within two months from today.

(P.B.Majmudar,J)
(pathan)